

REMARKS

Claims 1-4, 8-10, 12, 13, 16-29, 69-71 and 91-92 remain in the application. Claims 1, 4, 8, 9 and 109 have been amended. Claims 5-7, 11, 14 and 15 have been deleted. The Examiner is authorized to charge **any** fees arising from this response to Deposit Account No. 10-0096.

The Examiner objected to Claim 11. Claim 11 has been deleted, rendering the objection moot.

The Examiner has rejected Independent Claims 1, 9 and 109, and the claims that depend therefrom, under 35 U.S.C. §103(a) as being unpatentable over USP 6208247 (“Agre”) in view of USP 5,724,241 (“Wood”). Applicant traverses this rejection on the grounds that Agree and Wood, when combined, do not teach a seismic unit as claimed. Moreover, Agree teaches away from certain claimed features as is set forth below.

The independent claims have all been amended to recite specific features not shown or suggested by the combined references, namely 1) a specific case shape for the self-contained seismic unit of the invention and 2) that the geophone is a multi-component geophone capable of measuring seismic energy in multiple axes.

With respect to #1, the case is formed of two plates with a circular wall joining the two plates, such that the case has a circular cylinder shape. This is not taught in Agree, which teaches a case having angular sides. The case shape specifically taught by Agree is undesirable for the uses of the invention because it would be difficult to readily couple a case with angular sides such as Agree with the ground, such as in a hole. For detection of seismic signals, ground coupling is highly desirable, particularly in order to measure a seismic signal **in multiple angular directions, a capability not taught by Agree and unnecessary for the purposes of Agree, as discussed below.** Since Agree does not teach a single circular-walled case with all the electrical components disposed

therein, it does not teach or suggest or render obvious the circular shaped case and claim elements of Applicant.

With respect to #2, Agre only makes 1 mention of geophones in the description of the invention (Col. 6, line 64), primarily because the focus of Agre is using a different type of sensor that can be fully integrated on a chip 24 (Col. 6, lines 8-16) in order to achieve a certain degree of miniaturization. There is no teaching in Agre of multi-component geophones, nor would Agre even need this since it is only looking to detect any vibration--it does not care about the plane of the energy--as an indicator of the presence of a vehicle. In this regard, Agre teaches away from the use of multiple geophones since it is very clear that integration, miniaturization, and low battery power are all crucial elements of Agre. There is no need for a multidirectional sensor unit (See Applicant's specification at ¶ 38) to detect multiple angular components of the ground energy detected in Agre. Agre is simply looking for any vibration, regardless of the angle of the energy wave, a measurement which can be accomplished by the single component geophone of Agre. Moreover, a multi-component geophone (or multiple geophones angularly oriented to one another) as claimed by Applicant would frustrate the purposes of Agre since it would take up more space and use more power than the simple single component geophone of Agre and is not integratable on the chip 24 of Agre. In fact, because Agre does teach a device to serve a different purpose than that of Applicant (or Wood) it has different functional requirements and should not be considered an appropriate reference when considering seismic detection technology for oil and gas exploration. For this reason, not only does Agre not teach the claimed element, Agre also teaches away from being combined with seismic technology such as Wood or Applicant.

For the foregoing reasons, allowance of the pending claims is earnestly solicited.

All of Applicant's arguments and amendments are without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the prior art references. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by Examiner, Applicant does not acquiesce to Examiner's additional statements, including statements referring to any motivation to combine references or any naked statements of obviousness. The example distinctions discussed by Applicant are sufficient to overcome the anticipation and obviousness rejections.

Notwithstanding the foregoing, should the Examiner continue to reject the claims based on Agre, Applicant respectfully requests an interview to discuss the outstanding prior art.

Respectfully submitted,
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Date: December 29, 2008

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